

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion  
DOI-BLM-CO-SO50-2012-0028 CX**

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**July 2012**

**NRCS Irrigation Pipeline Project**

***Location:** 6 miles southeast of Crawford, Montrose County, CO*

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**U.S. Department of the Interior  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401  
Phone: (970) 240-5300**



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## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-S050-2012-28

CASEFILE: COC-75457

PROJECT NAME: NRCS Irrigation Pipeline

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: New Mexico Meridian, Colorado,  
T. 50 N., R. 6 W., Sec. 4: SW1/4NE1/4.

APPLICANTS: Donald R. Hart

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a right-of-way to Donald Hart to construct, operate, maintain and terminate a buried irrigation pipeline. The Natural Resources Conservation Service (NRCS) project is designed to eliminate approximately 3400 feet of open ditch located on private land to conserve water and reduce salinity and selenium within the Gunnison River drainage area. The project is located approximately 6 miles southeast of Crawford.

The 12-inch diameter pipeline would be buried immediately adjacent to an existing road. The pipeline and access road would be approximately 630 feet long and 20 feet wide on public land. A syphon, or drain, would also be installed to drain the water in the pipeline back into the creek each fall. The drain would be a 6-inch diameter buried pipe, approximately 60 feet long and 20 feet wide. Near the western end of the project, a swale in the roadway with rip-rap applied or a culvert will be installed to control erosion from the drainage. The total project including access road, main irrigation pipeline and drainage spur would be approximately 0.317 acres on the public land.

The right-of-way would be issued under FLPMA for 30 years with the right of renewal. It will be subject to rent and the attached stipulations; see Exhibit A.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Uncompahgre Basin Resource Management Plan

Date Approved: July 1989

Decision Number/Page: MU-16, General Land Uses, page 156

Decision Language: No single resource or resource use would have management priority. Lands cases would be analyzed and processed on a case-by-case basis.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E(17) which allows for grants of short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding or water well. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	<u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	<u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	<u>X</u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	<u>X</u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	<u>X</u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	<u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	_____	<u>X</u>
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	<u>X</u>
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.	_____	<u>X</u>

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E and Migratory Birds

REMARKS:

Cultural Resources: The project area was examined for cultural resource presence on May 23, 2012 by BLM archaeologist Glade Hadden with negative results. No National Register or otherwise eligible property will be affected by this project and no further work is required.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened, Endangered Species, and Sensitive: No federally listed or BLM sensitive species are known to inhabit or derive important use of the proposed project area.

Migratory Birds: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15<sup>th</sup> through July 15<sup>th</sup>. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

NAME OF PREPARER: Linda Reed July 10, 2012

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 7/16/12

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, # E(17). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow  
Barbara Sharrow,  
Uncompahgre Field Office, Field Manager

DATE SIGNED: 7/18/12

COC-75457  
Exhibit A

### STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the design plans developed by the Natural Resources Conservation Service. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of

the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris is mulched and used for reclamation as natural materials to enhance surface stability and re-vegetation efforts.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.

13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment.
14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the pipeline construction, operation, and maintenance. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. Along the drainage at the very western end of the project on public land, and per the NRCS design plan, measures will be taken to address on-going erosion concerns. A swale in the roadway with rip-rap may be constructed to create an open-channel drain to accommodate potential flows and debris from the drainage. Potentially a culvert may be installed instead; however a swale would require less surface disturbance during construction and provide for easier maintenance of flows and debris from the drainage. If a culvert is installed it shall be a minimum diameter of 18 inches and shall be free of corrosion, dents, or other damages. Culverts shall be placed on channel bottoms on firm, uniform beds which have been shaped to accept them and aligned to minimize erosion. Backfill shall be thoroughly compacted. No equipment shall be routed over a culvert until backfill depth is adequate to protect the culverts. If a culvert is determined to be required for the drainage, it is probable that during construction and maintenance of the culvert the holder will require additional space outside of the 20-foot wide right-of-way. Any additional surface disturbance shall be kept to the minimum amount as required by the NRCS design and shall be reclaimed. A thick, deep bed of gravel or river cobble should be applied at the lower, downstream end of the culvert to minimize erosion.
16. Per the NRCS design plans the drainage spur will be constructed to jet out down into the creek and rip-rap will be used to prevent erosion at the outlet channel.
17. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags. Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

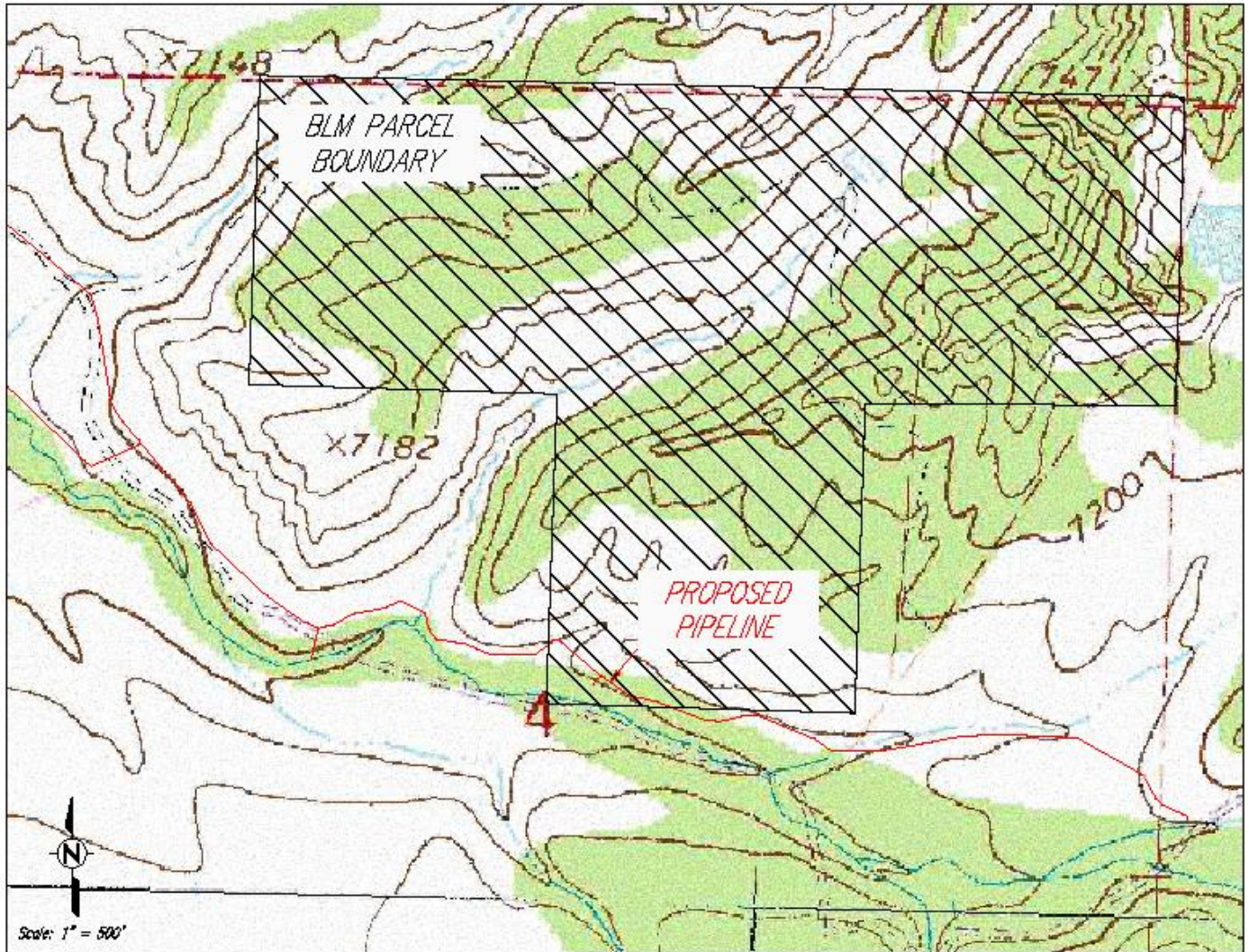
The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

<u>Seed Mix</u>	<u>Pounds/acre PLS</u>
Western Wheatgrass	4
Indian Ricegrass or Bottlebrush squirreltail	<u>4</u>
Total	8 lbs/acre PLS

Or instead of using the above BLM recommended seed mix, the holder may seed all disturbed areas using the NRCS seed mix as approved by the BLM authorized officer. The seed mix tags shall be provided to BLM for approval prior to seeding. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.

18. Upon receipt of the final design plans from the NRCS, a copy of the plans pertaining to the segment on the public land shall be furnished to the BLM.
19. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15<sup>th</sup> through July 15<sup>th</sup>. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.
20. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.





New Mexico Meridian, Colorado,  
T. 50 N., R. 6 W.,  
Sec. 4: SW1/4NE1/4.

**U.S. Department of the Interior  
Bureau of Land Management  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401**

**Decision Record**

**(DOI-BLM-CO-S050-2012-0028 CX)**

PROJECT NAME: NRCS Irrigation Pipeline

DECISION: It is my decision to issue a right-of-way to Donald Hart for the construction, operation and maintenance of a NRCS designed pipeline project and associated access road. The project is located approximately 6 miles southeast of Crawford in Montrose County, Colorado.

The project consists of burying a 12-inch diameter pipeline immediately adjacent to an existing road. A 6-inch diameter buried pipeline will also be installed to drain the main irrigation pipeline back into the nearby creek each fall. The total project including access road, main irrigation pipeline and drainage spur will be approximately 690 feet in length, 20 feet in width and encumber approximately 0.317 acres on the public land.

The right-of-way would be authorized under FLPMA for 30 years with the right of renewal and would be subject to rent and the attached stipulations, see Exhibit A.

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the CX will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(17). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE 7/16/12

SIGNATURE OF AUTHORIZED OFFICIAL /s/ Barbara Sharrow  
Barbara Sharrow  
Field Manager  
Uncompahgre Field Office

DATE SIGNED 7/18/12